

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BYRON GREENE,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 3:15-0145
)	JUDGE CAMPBELL/KNOWLES
)	
)	
PTS OF AMERICA, LLC, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

Pursuant to the Court's Order entered October 21, 2015 (Docket No. 51), the undersigned held an Evidentiary Hearing with regard to Plaintiff's damages against Defendant PTS of America, LLC, on November 18, 2015. Plaintiff appeared and testified under oath. Defendant made no appearance by attorney or otherwise.

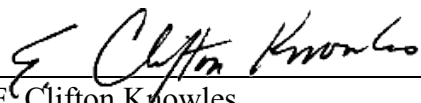
Plaintiff testified as to the harsh conditions of his transport by Defendant PTS in this case. He testified that other prisoners in the van had to urinate into cups, which spilled, making a foul odor. After he complained, he was thrown into the transport van head first while shackled. His face hit the wire mesh in the van, and two of his teeth were knocked out at that time. He later lost five more teeth as a result of the incident. Plaintiff requested medical assistance, but was told that he would have to wait until they reached their destination. Plaintiff was not in a position to receive treatment, however, until two or three days later. He testified that he still has trouble eating.

Plaintiff testified that he believed \$80,000 would be an appropriate monetary

compensation amount against PTS under the circumstances, and the Court agrees.

For the foregoing reasons, the undersigned recommends that a default judgment be entered against Defendant PTS of America, LLC, in the amount of \$80,000.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



E. Clifton Knowles
United States Magistrate Judge